

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

BRENDA LOUISE SHEERER	:	
<i>Individually and as parent and</i>	:	
<i>natural guardian of C.S., minor,</i>	:	CIVIL ACTION NO. 3:11-1496
	:	
Plaintiffs	:	(JUDGE MANNION)
	:	
v.	:	
	:	
W.G. WADE SHOWS, INC.,	:	
	:	
Defendant	:	
	:	

MEMORANDUM AND ORDER

Presently before the court is the defendant's motion for reconsideration, (Doc. No. [57](#)). Pursuant to Middle District of Pennsylvania Local Rule 7.10, a motion for reconsideration must be filed within fourteen days after the entry of the order concerned. L.R. 7.10. The instant motion is untimely because the order concerned, an order denying the defendant's motion for summary judgement, (Doc. No. [47](#)), was issued on November 26, 2012. The instant motion was filed on July 1, 2013, more than seven months later.

Moreover, the defendant challenges Judge Conaboy's findings regarding the application of the "no duty rule" and the plaintiff's negligent design claim, but offers no new evidence or change in relevant law to warrant review despite the motion's untimeliness. [*Howard Hess Dental Laboratories Inc. v. Dentsply Intern., Inc.*, 602 F.3d 237, 251 \(3d Cir. 2010\)](#) ("Accordingly, a judgment may be altered or amended if the party seeking reconsideration

shows at least one of the following grounds: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion for summary judgment; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.”). Absent any changes in law or evidence, the court finds reconsideration for alleged errors of law after such a lengthy delay to be inappropriate.

THEREFORE, IT IS HEREBY ORDERED, THAT: the defendant’s motion for reconsideration, (Doc. No. [57](#)), is **DENIED**.

s/Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: July 1, 2013

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